

BILL NO. 2009-22

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE BUSINESS LICENSING PROVISIONS OF THE MUNICIPAL CODE; ADDING CERTAIN ADMINISTRATIVE AND SERVICE-RELATED FEES; ADJUSTING VARIOUS LICENSE FEES AND LICENSE ORIGATION CHARGES; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman David W. Steinman

Summary: Updates the business licensing provisions of the Municipal Code by adding certain administrative and service-related fees, and adjusting various license fees and license origination charges.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 6, Chapter 2, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.02.020: (A) The Department shall have the jurisdiction to investigate and enforce the provisions of this Title, Title 9 and the provisions of Title 19 as they relate to the use of land by, and impact of, businesses, professions and occupations.

(B) The Department shall have all powers which may be necessary or appropriate for a complete and effective exercise of its jurisdiction, including, but not limited to:

(1) The power to enter and inspect the licensed premises at any time during the business hours of the licensee;

(2) The power to examine all books and other business records of a principal, licensee, applicant, or their employees or other persons acting under their control;

(3) The power to apply for and execute administrative search warrants based upon reasonable suspicion of a violation of this Title, Title 9 or Title 19;

(4) The power to issue citations pursuant to the provisions of NRS Chapter 171 for violations of this Title, Title 9 or Title 19;

(5) The power to issue, revoke, suspend or deny a business license, or temporary business license, as provided in this Chapter; [and]

(6) The authority to make expenditures as reasonably necessary to

investigate a violation of this Title, Title 9 or Title 19[.]; and

(7) The power to assess the following to a licensee for re-inspections after the initial inspection reveals violations of this Title, Title 9, or Title 19:

(a) A service charge of one hundred twenty dollars for the initial re-inspection, if the licensee has not corrected all violations to the Department's satisfaction by the established re-inspection date;

(b) A service charge of one hundred eighty dollars for each hour of subsequent re-inspection time (with a one-hour minimum) until all violations have been corrected to the Department's satisfaction; and

(c) An administrative fee of ten percent of the amount of service charges assessed under Subparagraphs (a) and (b) above, to cover administrative costs;

(C) The Department shall provide the licensee an appropriate billing to reflect service charges and administrative fees assessed under Paragraph (7) of Subsection (B) above. The billing shall include the date by which payment must be made. If payment is not made in a timely manner, the City may proceed to collect the amounts assessed in accordance with LVMC 6.02.250.

[(C)] (D) The Department is authorized to require identification or other information from a principal, licensee, applicant, or their employees or other persons acting under their control, at any time in furtherance of the exercise of its jurisdiction.

[(D)] (E) During the course of investigating any crime or assisting in the enforcement of this Code, Metro has concurrent jurisdiction and authority to issue citations for the violations of this Title, Title 9 or Title 19.

SECTION 2: Title 6, Chapter 2, Section 85, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.02.085: (A) A [thirty-dollar] fifty dollar nonrefundable processing fee will be charged for each application filed for a new business license, a change of business ownership, a change of corporate officers, a change of business location, a change of business name or a charitable solicitations permit. Processing of such applications shall not commence until the Department has received the processing fee.

1 (B) The processing fee set forth in Subsection (A) of this Section is to be in addition
2 to any other license fee required by this Code for the type of business in question.

3 SECTION 3: Title 6, Chapter 2, Section 180, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.02.180:** Subject to the provisions of LVMC 6.02.190, the first semiannual license fee for a
6 business whose license fee is based on gross sales shall be the greater of:

7 (A) [an] The amount determined by the Director to be the cumulative average
8 semiannual license fee paid by other businesses in the same industry[.] ; or

9 (B) One hundred dollars.

10 ➡An applicant may elect to pay a larger first period license fee than required by this Section.

11 SECTION 4: Title 6, Chapter 2, Section 250, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.02.250:** (A) All license fees other than gambling and liquor license fees shall become
14 delinquent if not received within fifteen days after the due date. If full payment is not made within
15 fifteen days after the due date, [fifteen] twenty-five percent of the entire license fee shall be assessed
16 as a penalty, payable in addition to the license fee; provided, however, if the fifteenth day following
17 the due date is a Saturday, Sunday or holiday, the penalty must not be assessed if the license fee is
18 received before five p.m. of the next day which is not a Saturday, Sunday or holiday. Assessed penalty
19 charges are due on or before the thirtieth day after the license fee due date.

20 (B) All licenses for which fees and assessed penalty charges have not been paid
21 within thirty days after the license fee due date may be [suspended] deemed expired by the Director
22 and, if [suspended,] so deemed, shall not be reinstated until the license fees, [and] assessed penalty
23 charges and a reinstatement fee of fifty dollars have been paid.

24 (C) The Director may refer any delinquent license fees and assessed penalty charges
25 to a collection agency for collection if they have not been paid within thirty days after the license fee
26 due date. The Director may do likewise regarding any service charges and administrative fees that
27 have been assessed pursuant to LVMC 6.02.020(7) and have not been paid in a timely manner.

28 (D) As a condition of reinstatement of a license deemed expired pursuant to

1 Subsection (B) of this Section, the licensee shall, in addition to payment of any outstanding license
2 fees, penalty charges, service charges, administrative fees, and reinstatement fees, reimburse the City
3 for any expenses it has incurred as a result of referring the licensee's delinquent license fees and
4 assessed penalty charges to a collection agency.

5 SECTION 5: Title 6, Chapter 4, Section 30, of the Municipal Code of the City of Las
6 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.04.030:** Businesses within the following licensing categories shall pay a fifty dollars annual
8 business license fee, as set forth below:

9 **Billiard or pool hall,** [The] with the fee amount [shall] to be charged for each billiard or pool table.

10 **Bowling center,** which is a business providing a place to engage in the sport of bowling. The fee
11 amount shall be charged for each alley.

12 **Tobacco dealer,** which is any person licensed pursuant to NRS Chapter 370 to sell tobacco. The fee
13 amount shall be charged for each sales location, whether a machine, retail location, or warehouse
14 facility.

15 **Express or delivery service,** [The] with the fee amount [shall] to be charged for the first vehicle used
16 in the business, [with] and a thirty dollar annual fee to be charged for each additional vehicle used in
17 the business. An applicant for this license may be required by the Director to furnish a State license
18 or certificate, if applicable, or written verification that such license or certificate is not required.

19 **Nonprofit commercial enterprise,** which is any commercial enterprise regularly engaged in by an
20 organization that has duly qualified as tax exempt under the Internal Revenue Code. The category
21 does not include an organization whose commercial activities consist solely of one or more of the
22 following:

- 23 (A) Occasional fundraising activities;
- 24 (B) Solicitation activities that are subject to the provisions of LVMC Chapter 6.22;
- 25 (C) The sale of items that are intended to convey a religious, political or ideological
26 message.

27 **Transfer and storage company,** with the fee amount to be charged for the first truck used in the
28 business, and a thirty dollar annual fee to be charged for each additional truck used in the business.

SECTION 6: Title 6, Chapter 4, Section 60, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.04.060: Businesses within the following licensing categories shall pay a two hundred dollars annual business license fee, as set forth below:

Adult day care facility, which is an establishment operated and maintained to provide care, for not more than twelve hours at a time, on a temporary or permanent basis for aged or infirm persons.

Advertising or marketing service, which is any business engaged in the act of designing, producing and disseminating information to the general public, including public relations activities on behalf of persons or businesses.

Auto broker, which is any person who, for a fee or any other consideration, offers to provide to another person the service of arranging, negotiating or assisting in the purchase of a new or used vehicle which has not been registered by the broker.

Automobile leasing, which is any business that leases automobiles or any other kind of motor vehicle that is required to be licensed by the Department of Motor Vehicles and Public Safety.

Babysitting service, which is any business whose employees are sent to a home or lodging establishment to care for one or more children who reside there. Each principal of the business and each employee that provides care must obtain a work card pursuant to LVMC Chapter 6.86 and a health card pursuant to regulations of the Health District.

Bail agent or bail enforcement agent, which is any person who is authorized, employed or contracted by a surety or bail agent to do any of the following:

- (A) Solicit bail transactions;
- (B) Execute or countersign undertakings of bail;
- (C) Pledge currency, money orders or cashier's checks as security for a bail bond in connection with judicial proceedings and receive or be promised money or other things of value therefor;
- (D) Enforce the terms and conditions of a defendant's release from custody on bail in a criminal proceeding; or
- (E) Locate, apprehend, or surrender a defendant to custody. Each bail agent and

1 bail enforcement agent is required to have an appropriate State license issued in accordance with NRS
2 Chapter 697 before doing business in the City.

3 **Body piercing**, which is any business that pierces the skin for the purpose of inserting rings, loops,
4 studs or other implements, or which engages in the sale of those items for use in connection with body
5 piercing.

6 **Environmental analysis**, which is any business that tests or analyzes the quality or content of soil,
7 water, atmosphere, or other elements related to the environment.

8 **Health and fitness club**, which is any business that is open to the general public and that provides
9 the use of equipment or facilities for the maintenance or development of physical fitness or the control
10 of weight.

11 **Insurance adjuster**, which is any person who is licensed or required to be licensed as an adjuster
12 under NRS Chapter 684A and who receives compensation for acting as an adjuster, whether acting
13 as an owner, officer, associate, member or employee of a business.

14 **Insurance agency**, which is any business whose agents, brokers, or adjusters transact insurance
15 subject to the regulations of NRS 679A. The license fee for this category includes the first agent,
16 broker or adjuster who otherwise would be required to be pay a license fee under this Section as a
17 sales or service agent or representative.

18 **Managed health care organization**, which is any person who provides, arranges, pays for, or
19 reimburses for the provision of any element of health care services and who controls the amounts to
20 be paid to health care providers by a managed care program.

21 **Management or consulting service**, which is any person or firm that conducts budgeting,
22 management counseling, consulting service or promoting for another.

23 **Merchandise broker**, which is any person who acts as an agent for others in negotiating contracts,
24 purchases, the sale of goods, wares or services and who does not take possession of the merchandise.

25 **Photography business**, which is any business that takes photographs for eventual sale to a client or
26 customer of the business.

27 **Remote motor vehicle rental**, which is an automobile ticket rental agency or transportation rental
28 agency location with no vehicles on site.

1 **Residential facility for groups**, which is a facility as defined in NRS 449.017.

2 **Residential home care provider**, which is any person who provides or contracts to provide medical
3 supervision, general care, nursing or housekeeping services to the sick, injured or dependent within
4 a home setting, whether on a temporary or permanent basis.

5 **Sales or service agent or representative**, which is any person who sells, solicits, negotiates, offers
6 or performs on behalf of another person the transaction of any instrument or finance related service,
7 including but not limited to insurance, financial or investment advice, securities or similar activities,
8 whether the instrument or service is in possession of the agent or representative and whether the agent
9 or representative is an employee or under contract to perform these activities.

10 **Wire service**, which is any person who engages in the business of transmitting or receiving funds by
11 means of a communication system in which the transmission and reception stations are directly
12 connected by one or more telephones or computers.

13 **Youth employment organization**, which is any for-profit or nonprofit organization whose primary
14 purpose is to hire minors to sell a product or service, either door-to-door or at a fixed location.
15 Principals of an organization must obtain a work card pursuant to LVMC Chapter 6.86. Each
16 organization must comply with State Labor Commission regulations and must first obtain the written
17 consent of the parent or legal guardian of each minor before they are hired.

18 SECTION 7: Title 6, Chapter 4, of the Municipal Code of the City of Las Vegas,
19 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
20 6.04.190, reading as follows:

21 **6.04.190:** Each gasoline station, service station, or gasoline, diesel, motor vehicle fuel sales
22 outlet, shall pay a license fee of one dollar per one thousand gallons of gasoline, diesel or motor
23 vehicle fuel sales made during the previous semiannual period; provided however, the minimum
24 semiannual license fee under this Section shall be three hundred dollars. Nothing in this Section shall
25 exempt any gasoline station, service station, or gasoline, diesel, motor vehicle fuel sales outlet from
26 paying a license fee based on gross sales pursuant to Section 6.04.005 for sales of services, including
27 labor, and sales of goods other than gasoline, diesel or motor vehicle fuel.

28 SECTION 8: Ordinance No. 6036 and Title 6, Chapter 6, Section 51, of the Municipal

1 Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Section 6.06.051
2 reads as follows:

3 **6.06.051:** (A) At the request of an applicant, the Director may grant a temporary license,
4 effective for a period not to exceed ninety days, pending final action regarding a license application
5 in order for the license approval authority to determine:

6 (1) The applicant's fitness for a license; and

7 (2) The appropriateness of the applicant's business location.

8 (B) A temporary license shall not be granted under this Section unless:

9 (1) All principals required to be approved for suitability have submitted a
10 complete investigation packet for determination of suitability and paid all applicable fees;

11 (2) The Director makes a preliminary finding that all of the principals of
12 the business are suitable; and

13 (3) The applicant has submitted a completed and accurate license
14 application and has paid [all] a non-refundable temporary license processing fee, in addition to all
15 other required application fees. The amount of the temporary license processing fee shall be:

16 (a) Two hundred fifty dollars, for licenses issued under the
17 provisions of Chapters 6.47, 6.55 and 6.69; and

18 (b) Five hundred dollars, for all other categories.

19 SECTION 9: Title 6, Chapter 6, Section 100, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **6.06.100:** Each applicant shall pay the following non-refundable fee deposits at the time of filing
22 an application for a license or approval for suitability with the Department:

23 (A) Two hundred dollars made payable to Metro for investigation of a license
24 application.

25 (B) One hundred-fifty dollars made payable to Metro for investigation of an
26 approval for suitability application.

27 (C) One hundred dollars made payable to the Department for processing an
28 application for a business license or approval for suitability.

SECTION 10: Title 6, Chapter 6, Section 150, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.06.150: The Director, in considering whether to waive a principal, may require:

(A) Personal identification information;

(B) A written request from a managing officer or partner of the business setting forth sufficient information as to the principal's responsibilities and authority with the licensee or proposed licensee; and

(C) A [fifty] one-hundred dollar non-refundable waiver fee, payable in advance, for each principal requesting a waiver.

SECTION 11: Title 6, Chapter 50, Section 360, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 12: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 360, reading as follows:

6.50.360: Each licensee shall pay to the Department, in advance, the semiannual license fees set forth in the following schedule:

License Category	Semiannual License Fee (Dollars)
Banquet facility	500
Beer/wine/cooler art event on-sale	300
Beer/wine/cooler on-sale	300
Beer/wine/cooler off-sale	300
Beer/wine/cooler on-off sale	600
Brew/pub/tavern	1,200
Convention facility	1,200
Gift basket limited	300
Gift shop limited	500
Grocery store internet sale	500
Hotel lounge bar	1,200

1	Keg beer	500
2	Liquor caterer	500
3	Nonprofit club general	200
4	Nonprofit club restaurant service bar	100
5	Package	750
6	Permanent trade show facility	2,400
7	Restaurant service bar	600
8	Supper club	800
9	Plus: fee for each additional bar	750
10	Tavern (one bar)	1,200
11	Plus: fee for each additional bar	900
12	Tavern-limited	800
13	Plus: fee for each additional bar	500
14	Urban lounge	1,000
15	Plus: fee for each additional bar	750
16	Wholesale general	1,000
17	Wine, beer, cordial, liqueur tasting	600

18 Each special event general licensee shall pay a license fee of one hundred dollars per day.

19 Each special event beer/wine licensee shall pay a license fee of seventy-five dollars per day.

20 SECTION 13: Title 6, Chapter 50, Section 380, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

22 SECTION 14: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
23 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 380,
24 reading as follows:

25 **6.50.380:** (A) The origination charge listed in this Section is a one time charge which is due
26 and payable at the time of filing an application for an alcoholic beverage license. Origination charges
27 are as follows:

28 . . .

License Category	Origination Charge (Dollars)
Banquet facility	20,000
Beer/wine/cooler art event on-sale	1,000
Beer/wine/cooler on-sale	2,500
Beer/wine/cooler off-sale	2,500
Beer/wine/cooler on-off sale	5,000
Brew/pub/tavern	75,000
Convention facility	75,000
Gift basket limited	1,000
Gift shop limited	4,000
Grocery store internet sale	2,500
Hotel lounge bar	40,000
Keg beer	4,000
Liquor caterer	4,000
Nonprofit club general	2,000
Nonprofit club restaurant service bar	1,000
Package	40,000
Permanent trade show facility	60,000
Restaurant service bar	30,000
Supper club	40,000
Tavern	75,000
Tavern-limited	20,000
Urban lounge	50,000
Wholesale general	10,000
Wine, beer, cordial, liqueur tasting	2,000

(B) The transfer of an alcoholic beverage license from one licensee to another is exempt from the origination charge set forth in this Section.

(C) In connection with the issuance of an original new City alcoholic beverage license to an existing County alcoholic beverage licensee whose business premises have been annexed

1 into the City, the Department shall waive the origination charge at the request of the applicant.
2 However, a license concerning which such a waiver has been granted may not be sold or transferred
3 to a third party, notwithstanding any provision of this Title to the contrary.

4 SECTION 15: Title 6, Chapter 68, Section 10, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.68.010:** [(A)] For the purposes of this Chapter, a “real estate developer” is defined as the
7 owner, or the principal agent of an inactive owner, of subdivided land who offers it for sale in any
8 offering or disposition, [other than the following:

9 (1) An offer of sale by a purchaser of any subdivision lot, parcel, or unit
10 thereof for his own account in a single or isolated transaction;

11 (2) An offer of sale of subdivided land if each lot, parcel, or unit being
12 offered or disposed of in any subdivision is five acres or more;

13 (3) An offer or sale to any person who is engaged in the business of the
14 construction of residential, commercial, or industrial buildings for disposition;

15 (4) An offer or sale to any person licensed in the State to con-struct
16 residential buildings and where such land being offered or disposed of is to include a residential
17 building when disposition is complete;

18 (5) An offer or sale pursuant to the order of any court of this State;

19 (6) An offer or sale by any government or government agency;

20 (7) An offer or disposition of any evidence of indebtedness secured by any
21 mortgage or deed of trust of real estate;

22 (8) An offer or sale of securities or units of interest issued by an investment
23 trust regulated under the laws of this State; or

24 (9) An offer or sale of cemetery lots.

25 (B) For the purposes of this Chapter, “subdivided land” or “subdivision” is defined
26 as any land or tract of land in another state or in this State from which a sale is attempted which is
27 divided or proposed to be divided into fifty or more lots, parcels, units, or interests, for the purposes
28 of sale as part of a common promotional plan and where any subdivision is offered by a single

1 developer or a group of developers acting in concert, and such land is contiguous or is known,
2 designated, or advertised as a common unit or by a common name, such land shall be presumed,
3 without regard to the number of lots covered by each individual offering, to be part of a common
4 promotional plan.]

5 SECTION 16: Title 6, Chapter 68, Section 30, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.68.030:** Each real estate developer shall pay a semiannual license fee [equal to one percent of
8 his average monthly sales.] pursuant to the schedule set forth in LVMC 6.04.005.

9 SECTION 17: (A) The license fee increases established and provided for in this
10 Ordinance:

11 (1) Are needed in order to reflect increased costs associated with the
12 administration and enforcement of LVMC Title 6; and

13 (2) Are intended to help offset those costs and to provide additional general
14 fund revenues available for providing City services, including police and fire protection; the
15 construction and maintenance of highways, streets, and other infrastructure; and recreational activities
16 and cultural events.

17 (B) The revenue to be obtained as a result of the license fee increases referred to
18 in Subsection (A) are intended to be used for the purposes described in Paragraph (2) of Subsection
19 (A) of this Section.

20 SECTION 18: This Ordinance shall become effective on July 1, 2009.

21 SECTION 19: If any section, subsection, subdivision, paragraph, sentence, clause or
22 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
23 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
24 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
25 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
26 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
27 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
28 invalid or ineffective.

1 SECTION 20: Whenever in this ordinance any act is prohibited or is made or declared
2 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
3 required or the failure to do any act is made or declared to be unlawful or an offense or a
4 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
5 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
6 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
7 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

8 SECTION 21: All ordinances or parts of ordinances or sections, subsections, phrases,
9 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
10 1983 Edition, in conflict herewith are hereby repealed.

11 PASSED, ADOPTED and APPROVED this ____ day of _____, 2009.

12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16
17 _____
18 BEVERLY K. BRIDGES, CMC
City Clerk

19 APPROVED AS TO FORM:

20 Val Steed 5-12-09
21 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2009, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2009, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11
12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, CMC
City Clerk